



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,232	02/14/2002	Glen J. Anderson	P1846US01	2852

7590

08/05/2005

Attention: Kenneth J. Cool
GATEWAY, INC.
610 Gateway Drive, MD Y-04
N. Sioux City, SD 57049

EXAMINER

BAYERL, RAYMOND J

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,232

Applicant(s)

ANDERSON ET AL.

Examiner

Raymond J. Bayerl

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 6, 8 - 18, 20 - 25, 27 - 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 - 18, 20 is/are allowed.
- 6) ☒ Claim(s) 1 - 6, 9 - 12, 29 - 31 is/are rejected.
- 7) ☒ Claim(s) 8, 21 - 25, 27, 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

RD

1. Claims 21 – 25, 27 – 28 are objected to because of the following: the copy of claim 21, as contained in the paper originally submitted 1 June 2005, lacks a period (“.”) at the end. In claim 28, note “at least two peripheral device [devices?]”, lines 3, 12.

Appropriate correction is required.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 6, 9, 29 – 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrases “said defined relation” (claims 4, 6) and “the defined relation” (claim 9) lack clear antecedent basis, since parent claim 1 recites “a relationship defined between the ports” instead.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1 – 3, 5, 10 – 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Mano et al. (“Mano”; U.S. Patent Number 5,793,366).

Mano’s GRAPHICAL DISPLAY OF AN ANIMATED DATA STREAM BETWEEN DEVICES ON A BUS produces a series of illustrations in the operator interface of devices that are connected to a data processing system, as appear in figs 1 – 4. These show the data being transmitted from one device to another, and in so representing the utilization of the devices, are illustrative of a graphical user interface that is configured, based upon device utilization via a plurality of ports that have “a relationship defined

between” them, as in the following comparison to those claims still rejected using this ground:

Concerning independent claim 1, Mano discloses monitoring a plurality of ports included on the information handling system (col. 3 lines 2-10);

determining utilization by a utilization device of a port of the plurality of ports, with a plurality of utilization devices communicatively coupled to respective ports of the plurality of ports (col. 3 lines 11-20); and

configuring a user-interface operating on the information handling system based on the determined utilization by the devices of the ports of the plurality of ports (col. 2 lines 60-62 & col. 3 lines 2-8). This interface shows the “relationship defined between the ports” as the visual indication that devices are connected. The “relationship” is membership in such a set of connected devices.

Regarding claim 2, Mano, by reporting differently for different devices, teaches determining utilization by the device of the port, according to which port of the plurality of ports to which the device is communicatively coupled (col. 3 lines 20-31).

As per claim 3, Mano’s device-specific display with animated content depicting data transfer has configuring that includes arranging content displayed on a display device of the information handling system, the content corresponding to devices communicatively coupled to the ports in a manner corresponding to usage by the devices of the ports (col. 3 lines 51-67 & Figure 4).

Concerning claim 5, Mano teaches that the user-interface is arranged so that content corresponding to a first device and content corresponding to a second device is

displayed based upon the ports utilized by the first device and the second device (col. 5 lines 9-16 & col. 5 lines 25-35).

Regarding claim 10, Mano discloses configuring the user interface based on an output device communicatively coupled to the information handling system (Mano's patent col. 4 lines 8-15).

As per claim 11, Mano discloses configuring the user interface based on applications operating on the information handling system (col. 4 line 64 –col. 5 line 1), since applications are needed to control the respective devices illustrated.

Regarding claim 12, Mano's figs 1 – 4 show that the monitored plurality of ports can be seen as being arranged in two groupings, the two groupings being utilized to configure the user interface (col. 4 lines 39-41). Please note that the various devices can be organized, for example, into groups of audio and video components.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2173

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mano in view of Tsai ("Tsai"; US #6,466,434 B1).

As per independent claim 31, which has similarity in many ways to claim 1 as discussed above, the Examiner had previously indicated the dependent claim 7 from which it is based to be allowable over the art of record. Upon careful consideration, however, the Examiner now notes that the location of the ports does not play a part in the configuring of the user-interface. It merely recites that the "ports" are "located on a front portion of a chassis" and "a rear portion of the chassis".

However, it was known in the computing device art at the time of applicant's invention that "front" and "rear" portion connections could be made, relative to a "chassis". This is seen, for example, in Tsai, where in addition to the known positioning of the receptacles 21 of a USB port 16 of a mother board 15 of a personal computer 18 at the back of the computer case (col 1, lines 29 – 67; fig 2A), a USB hub is also integrated into its front panel (col 2, lines 12 – 30). These connections correspond to a "port located on a rear portion of a chassis" and one "located on a front portion", respectively.

Thus, it would have been obvious to a person having ordinary skill in the art at the time applicant's invention was made to use Mano's representation of the utilization of ports by devices, in a computing arrangement where the ports can be on the front

Art Unit: 2173

and rear portions of the chassis as in Tsai, because this allows the user the greater connectivity access that Tsai demonstrates as being advantageous.

9. Applicant's arguments filed 29 June 2005 have been fully considered but they are not persuasive.

Applicant submits at page 2 of the remarks that "claim 1, as amended, is, in essence, a generic version of some of the allowed claims", and later on the same page argues that "there is no disclosure in Mano of monitoring a plurality of ports". However, a plurality of devices can be represented in the Mano user interface, and thus, the underlying arrangement must be monitoring the plural ports to which those devices are connected. This answers applicant's subsequent argument that "there is no teaching in the Mano patent of determining utilization by a utilization device of a particular port of a plurality of ports"—the Examiner first notes that the phrase "particular port" does not appear in amended claim 1. But more importantly, the plural devices' usage of "respective ports of the plurality of ports" is reported in Mano, by the schematic display of device connections.

Applicant then argues (page 3) that "there is no teaching or suggestion whatsoever in the Mano patent of configuring a user-interface based on a relation defined between the ports". However, by indicating that devices are or are not connected, the Mano interface is in fact presenting the "relationship" of such a state. When plural devices are shown as connected via plural ports in Mano, they have the "relationship defined between the ports" of that connection status.

Art Unit: 2173

10. Claims 13 – 18, 20 – 25, 27 – 28 are allowable over the prior art now made of record.

Applicant has adapted the recitations of these claims to reflect those of claims that had been indicated as defining over the prior art in the final rejection that was mailed 19 April 2005. To summarize that position, the prior art of record does not teach or suggest a configuration including at least one of priority ordering or location indication of the ports, as in independent claims 13, 21, and more particularly, an arrangement based on priority alone (independent claim 28). The best prior art reference Mano, while showing a relationship between ports *per se*, does not teach or suggest a location- or priority-based ordering.

11. Claims 4, 6, 8, 9, 29 – 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and also with the antecedent basis problem corrected in claims 4, 6, 9.


As mentioned above, the best prior art reference Mano does not teach or suggest priority ordering as per claims 4, 6, 8, nor the possibility of “order of priority” or “port locations” (claim 9), since these aspects of the ports in Mano do not figure into the display that is produced.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

Art Unit: 2173

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

3 August 2005